

E-filed 3/29/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KAREN JO MURPHY,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; WACHOVIA
MORTGAGE, a division of WELLS FARGO
BANK, N.A., and formerly known as WACHOVIA
MORTGAGE, FSB, formerly known as WORLD
SAVINGS BANK, FSB; and DOES 1-25,
inclusive,

Defendants .

Case Number 10-CV-05837-JF

ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND;
VACATING HEARING DATE

[Re: Docket No. 12]

Defendant Wachovia Mortgage, a division of Wells Fargo Bank, N.A., a successor by merger to Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (“Wachovia”) moves to dismiss all claims for relief in Plaintiff’s complaint. The Court concludes that this motion is appropriate for determination without oral argument and will vacate the hearing date of April 1, 2011. *See* Civ. L.R. 7-1(b).

Plaintff, proceeding *pro se*, originally filed this action in the Monterey Superior Court on

¹ This disposition is not designated for publication in the official reports.

December 10, 2010. (Pl.'s Opp., 2:1-2.) Defendants thereafter removed the action to this Court. On January 25, 2010, Plaintiff retained legal counsel to represent her in the federal court proceedings. (*Id.* at 2:4-7.) By this time, however, the period within which Plaintiff could amend her pleadings as a matter of right had lapsed. *See* Fed. R. Civ. Pro. 15(a)(1). In her opposition papers, Plaintiff seeks leave to amend her complaint in order to plead more clearly the claims contained therein. (Pl.'s Opp., 10:19-23.)

Because the motion to dismiss appears well-taken, it will be granted, with leave to amend. Any amended pleading shall be filed within twenty (20) days after the date of this order.

ORDER

For good cause shown,

- (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;
- (2) any amended pleading shall be filed within twenty (20) days after the date of this order;
- (3) the hearing date of April 1, 2011 is VACATED.

DATED: March 29, 2011


JEREMY FOGEL
United States District Judge